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12 ***Attorneys for Plaintiffs and the Proposed Classes***

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 IN RE UKG INC CYBERSECURITY  
16 LITIGATION

17 THIS DOCUMENT RELATES TO:

18 All Actions.

19 Case No. 3:22-cv-00346-SI

20 **DECLARATION OF SCOTT M.  
21 FENWICK OF KROLL SETTLEMENT  
22 ADMINISTRATION LLC  
23 REGARDING CLASS ACTION  
24 FAIRNESS ACT NOTICE**

25 Judge: Hon. Susan Illston

26 I, Scott M. Fenwick, declare as follows:

27 1. I am a Senior Director of Kroll Settlement Administration LLC ("Kroll")<sup>1</sup> the  
28 proposed Settlement Administrator in the above-captioned matter. Kroll's principal office is located  
at 2000 Market Street, Suite 2700, Philadelphia, Pennsylvania 19103. I am over 21 years of age and  
am authorized to make this declaration on behalf of Kroll and myself. The following statements are  
based on my personal knowledge and information provided by other experienced Kroll employees

27  
28 <sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed in that certain Settlement Agreement  
and Release (the "Settlement Agreement").

1 working under my general supervision. This declaration is being filed to denote compliance with  
 2 certain requirements of the Class Action Fairness Act of 2005, 28 U.S.C. §1711, *et seq.* ("CAFA").

3 2. Kroll has over fifty (50) years of experience in class action matters, having provided  
 4 services in class action settlements involving antitrust, securities fraud, labor and employment,  
 5 consumer, and government enforcement matters. Kroll has provided notification and/or claims  
 6 administration services in more than 3,000 cases.

7 3. As previously set forth in the *Declaration of Scott M. Fenwick of Kroll Settlement*  
 8 *Administration LLC in Connection with Preliminary Approval*, filed with the Court on April 28, 2023,  
 9 Kroll was engaged to serve as the proposed Settlement Administrator in connection with the  
 10 Settlement Agreement entered into in the Action. Among other things, Kroll's duties include  
 11 preparing and sending notice of the proposed settlement pursuant to CAFA, 28 U.S.C. §1715(b) (the  
 12 "CAFA Notice").

13 4. At Defendant's Counsel's direction, on May 8, 2023, Kroll sent the CAFA Notice, a  
 14 true and correct copy of which is attached hereto as **Exhibit A**, via First-Class Certified Mail to (i)  
 15 the Attorney General of the United States and (ii) to fifty-six (56) state and territorial Attorneys  
 16 General identified on the service list for the CAFA Notice, attached hereto as **Exhibit B**. The CAFA  
 17 Notice directed the recipients to the website [www.CAFANotice.com](http://www.CAFANotice.com), a site that contains all the  
 18 documents relating to the Settlement referenced in the CAFA Notice.

19 I declare under penalty of perjury under the laws of the United States that the above is true  
 20 and correct to the best of my knowledge and that this declaration was executed on May 12, 2023, in  
 21 Woodbury, Minnesota.

22  
 23  
 24  
 25   
 26 SCOTT M. FENWICK  
 27  
 28

# Exhibit A



Alfred J. Saikali

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VIA U.S. MAIL

Date: May 8, 2023

To: All “Appropriate” Federal and State Officials Per 28 U.S.C. § 1715  
(*see attached service list*)

Re: CAFA notice for the proposed Settlement in *In re UKG Inc. Cybersecurity Litigation*, Case No. 3:22-cv-00346-SI, pending in the United States District Court, Northern District of California

Pursuant to Section 3 of the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715, Defendant UKG Inc. or “Defendant” hereby notifies you of the proposed settlement of the above-captioned action (the “Action”), currently pending in the United States District Court, Northern District of California (the “Court”).

Eight items must be provided to you in connection with any proposed class action settlement pursuant to 28 U.S.C. § 1715(b). Each of these items is addressed below, and all exhibits are available for download at [www.CAFANotice.com](http://www.CAFANotice.com) under the folder entitled *In re UKG Inc. Cyber Security Litigation*:

1. 28 U.S.C. § 1715(b)(1) – a copy of the complaint and any materials filed with the complaint and any amended complaints.

The Initial Complaint and the operative Consolidated Complaint are available as **Exhibits A1** and **A2**, respectively.

2. 28 U.S.C. § 1715(b)(2) – notice of any scheduled judicial hearing in the class action.

On April 28, 2023, Plaintiffs filed a motion for preliminary approval of the class action settlement. The hearing on the motion for preliminary approval is scheduled for June 2, 2023 at 10:00 a.m., in the San Francisco Courthouse of the Northern District of California, Courtroom 1, 17<sup>th</sup> Floor, located at 450 Golden Gate Avenue, San Francisco, CA 94102, and presently may be attended to by Zoom. The Court has not yet scheduled the Final Approval

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Hearing for this matter. The proposed Preliminary Approval Order is available as **Exhibit B**.

3. 28 U.S.C. § 1715(b)(3) – any proposed or final notification to class members.

Copies of the proposed long form notice, postcard notice, and Claim Form will be provided to Settlement Class Members in accordance with the Settlement Agreement and will be available on the Settlement Website created for the administration of this matter. These are available as **Exhibits C, D, and E**, respectively. The Notices describe, among other things, the claim submission process and the Settlement Class Members' rights to object or exclude themselves from the class.

4. 28 U.S.C. § 1715(b)(4) – any proposed or final class action settlement.

The Settlement Agreement is available as **Exhibit F**.

5. 28 U.S.C. § 1715(b)(5) – any settlement or other agreement contemporaneously made between Class Counsel and Defendant's Counsel.

There are no other settlements or other agreements between Class Counsel and counsel for Defendant beyond what is set forth in the Settlement Agreement.

6. 28 U.S.C. § 1715(b)(6) – any final judgment or notice of dismissal.

The Court has not yet entered a final judgment or notice of dismissal. Accordingly, no such document is presently available.

7. 28 U.S.C. § 1715(b)(7) – (A) If feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or (B) if the provision of the information under subparagraph (A) is not feasible, a reasonable estimate of the number of Settlement Class Members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.

The settlement class in the proposed Settlement Agreement consists of the following subclasses:

- a. Nationwide Class: All natural U.S. persons who are current or former employees or contractors, including their dependents, of UKG customers, whose data was stored in the KPC at the time of the December 2021 KPC Cyberattack and who were impacted by the

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interruption of KPC applications resulting from the December 2021 KPC Cyberattack.

- b. California Subclass: All members of the Nationwide Class who are also California residents at the time of the December 2021 KPC Cyberattack.
- c. Exfiltration Subclass: All members of the Nationwide Class who were sent notice that their personal data was exfiltrated during the December 2021 KPC Cyberattack and were offered credit monitoring services for themselves or on behalf of their dependents.

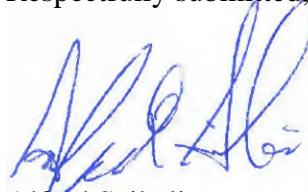
The complete list and counts by state of Settlement Class Members is not known.

8. 28 U.S.C. § 1715(b)(8) – any written judicial opinion relating to the materials described in 28 U.S.C. § 1715(b) subparagraphs (3) through (6).

There has been no written judicial opinion. Accordingly, no such document is presently available.

If you have any questions about this notice, the Action, or the materials available for download at [www.CAFANotice.com](http://www.CAFANotice.com) under the folder entitled *In re UKG Inc. Cybersecurity Litigation*, please contact me directly.

Respectfully submitted,



Alfred Saikali  
Chair, Privacy & Data Security Practice  
Shook, Hardy & Bacon, LLP  
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# Exhibit B

**CAFA NOTICE SERVICE LIST****U.S. Attorney General**

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